

REMARKS

This Amendment is filed within two months of the mailing date of the Final Office Action of February 10, 2005. The Applicant thanks the Examiner for carefully reviewing the present application.

Claim 10 is amended to more clearly claim the subject matter that Applicant regards as his invention. No new matter has been added by the amended claims.

Claims 27, 28, 29, and 37 are amended to overcome the rejection under 35 U.S.C. § 112, first paragraph.

Claims 1-19, and 21-37 are pending after entry of the present Amendment.

Rejections under 35 U.S.C. § 112

Claims 27, 28, 29 and 37 are rejected under 35 U.S.C. § 112, first paragraph. Claims 27, 28, 29, and 37 are amended to more clearly correspond to a game and game character as described in the specification.

Rejections under 35 U.S.C. § 102(b)

Claims 1-2, 4-5, 8-9, 11-16, 22-23, 25, 30, and 32-34 are rejected under 35 U.S.C. § 102(e) as being anticipated by Smits, U. S. Patent No. 6,125,115. Applicant respectfully traverses.

Smits discloses a computer network teleconferencing system in which a user selects or modifies the apparent locations of the teleconference participants, so that a listener perceives different participants as being located in different space-aparted locations within a 3-D spatialization region. *See Abstract of the disclosure, col. 6, lines 43-60, col. 7, lines 1-19, and Figure 4.* Alternatively, if the user chooses not to select or modify the locations, then the teleconferencing system assigns spatial locations to the teleconference participants

according to a default scheme, such as a "roundtable" discussion or positions that are equally spaced around a circle. *See col. 6, lines 44-50 and col. 7, lines 20-24 and lines 25-34, and Figures 4, 5 and 6.*

In contrast, content data, as recited in independent claims 1, 10, 14, 22, 30, 32, and 37, is altered in accordance with content data output characteristics that includes location information of the first and second computers or the location information of each character associated with each user. That is, according to the claimed embodiments, the location information of the computers or the characters associated with the users is used to create the spatial effect to the audio output. Whereas, Smits requires a user or a default scheme to designate locations to the teleconference participants to create a spatial effect. For example, the designated locations are positions that are equally spaced around a circle. Using a user or default scheme to assign locations of teleconference participants is not the same as using the location information of the computers or characters associated with the users in a communications network to create a spatial effect. For example, user or default scheme designated locations (positions equally spaced around a circle) would not reflect the locations of the teleconference participants, because the user or the default scheme does not use the location information of the teleconference participants. Thus, the resulting spatial effect created by Smits does not correspond to the locations of the teleconference participants. On the other hand, the present claimed embodiments alter the content data in accordance with the location information of the computers or the characters associated with users of the communications network, thus the resulting spatial effect corresponds to the locations of the users in the communications network.

Since Smits requires a user or a default scheme to designate locations to the teleconference participants to create a spatial effect, Smits fails to anticipate the present claimed embodiments, which create a spatial effect by altering content data in accordance

with the location information of the computers or characters associated with the users of the communications network. Thus, independent claims 1, 10, 14, 22, 30, 32, and 37 are not anticipated by Smits, and the independent claims are patentable.

Accordingly, dependent claims 2, 4-5, 8-9, 11-16, 21-23, 25, and 33-34, drawing their respective dependencies from either independent claims 1, 10, 14, 22, or 32, along with respective intervening claims, are also not anticipated by Smits for substantially the same reasons discussed and for the additional limitations that each dependent claim respective recites.

Rejections under 35 U.S.C. § 103(a):

Claims 3, 24, and 36 are rejected under 35 U.S.C. § 103(a) as being obvious over Smits.

For claim 3 and 24, the Examiner takes an Official Notice that the concept and advantages of transmitting data that includes text data between interactive terminals is old and well known in the art.

Assuming, *in arguendo*, that the Examiner's official Notice is properly taken, a proposition that the Applicant would disagree, the Official Notice must remedy the deficiencies of Smits in order for the combination of Smits and the Examiner's Official Notice to render dependent claims 3 and 24 obvious.

As discussed in the previously section, Smits fails to disclose the feature of altering content data in accordance with the location information of the computers or characters associated with the users of the communications network as recited in independent claims 1, 10, 14, 22, 30, 32, and 37. However, the Official Notice as taken also fails to address this deficiency. Thus, the combination of Smits and the Official Notice still fails to disclose each

and every feature of independent claims 1, 10, 14, 22, 30, 32, and 37 to render the independent claims obvious.

Accordingly, dependent claims 3 and 24 drawing their respective dependencies from either independent claim 1 or 22, along with their respective intervening claim, are also not rendered obvious for substantially the same reasons as discussed for the independent claims.

For claim 36, the Examiner takes an Official Notice that the concept and advantages of implementing a server in a network for handling data communication between networked devices is old and well known in the art.

Assuming, *in arguendo*, that the Examiner's official Notice is properly taken, a proposition that the Applicant would disagree, the Official Notice must remedy the deficiencies of Smits in order for the combination of Smits and the Examiner's Official Notice to render dependent claim 36 obvious.

As discussed in the previously section, Smits fails to disclose the feature of altering content data in accordance with the location information of the computers or characters associated with the users of the communications network as recited in independent claims 1, 10, 14, 22, 30, 32, or 37. However, the Official Notice as taken also fails to address this deficiency. Thus, the combination of Smits and the Official Notice still fails to disclose each and every feature of independent claims 1, 10, 14, 22, 30, 32, and 37 to render the independent claims obvious.

Accordingly, dependent claim 36 drawing its dependency from independent claim 32 is not rendered obvious for substantially the same reasons as discussed for independent claim 32.

Claims 6-7, 17-19, 21, 26-29, 35 and 37 are rejected under 35 U.S.C. § 103(a) as being obvious over Smits in view of Matsuda (European Patent EP0843168A2).

For claim 6, the Examiner asserts that Smits teaches the feature of altering content data associated with the audio output from the second computer, and Matsuda teaches the feature of altering the content data in accordance with content data output characteristics comprising at least one of character gender, character condition, character environment, and language. The Applicant respectfully traverse.

Firstly, dependent claim 6, drawing its dependency from independent claim 1, includes all the limitations of independent claim 1 as well as all intervening claims. Accordingly, dependent claim 6 also includes the limitation of altering content data in accordance with content data output characteristics including location information of the first and second computers. As discussed above, Smits fails to disclose the feature of altering content data in accordance with content data output characteristics including location information of the first and second computers.

Secondly, Matsuda discloses a method of modifying content data based on user input of the first computer to change the pitch and frequency of a voice output. *See col. 14, line 4-7, col. 23, 5-19, and Figures 31, 32, and 34.* The user of the first computer is the sender of content data.

In contrast, independent claim 1 recites the second computer specifies the content data output characteristics associated with the content data. The second computer is the computer that receives the content data, and the second computer outputs the content data. That is, Matsuda discloses the user of the first computer, which is sending the content data, modifies the content data before the content data is sent to the second computer. On the other hand, the present claimed embodiments provide a new feature in which the second computer, the computer receiving the content data, specifies the content output characteristics that modifies the content data to be received. Thus, according to the claimed embodiments, the second computer or the computer that receives the content data controls how the content data is

modified. In contrast, according to Matsuda, the user of the first computer or the sender of the content data controls how the content data is modified. Based on the teachings of Matsuda, the second computer is not capable of modifying the content data.

Thirdly, one of ordinary skill in the art would not combine Smits with Matsuda, because Smits teaches against modifying the recognizable tone of voice of the teleconference participants. See col. 1, lines 24-33. The purpose of Smits' teleconference system is to enhance the recognizable voice of the teleconference participants. Accordingly, changing the voice of the participant to that of a robot's voice or a child's voice would disguise the voice of the participants and make it not recognizable. Thus, the teachings of Matsuda have an opposite affect of enhancing the recognizable voice of the teleconference participants. Accordingly, one would not be motivated to combine Smits with Matsuda to defeat the purpose of Smits' teachings.

However, assuming, *in arguendo*, that Smits is combined with Matsuda, but for the reasons previously discussed the combination of Smits and Matsuda still would not disclose each and every feature of dependent claim 6 to render the claim obvious.

For dependent claims 7, 17-19, 21, and 26, drawing their respective dependencies either from independent claim 1, 14, or 22, along with their respective intervening claims, are not rendered obvious for substantially the same reasons as discussed for the independent claims 1, 14, and 22, and for the additional limitations each dependent claim respective recites.

For dependent claims 27 and 28, as discussed above, one of ordinary skill would not combine Smits with Matsuda. Assuming, *in arguendo*, that Smits is combined with Matsuda, and Matsuda discloses game consoles configured to execute interactive game software. However, Matsuda must still remedy the deficiency of Smits as discussed in the previous section. Since Matsuda does not disclosed the limitation of altering content data in

accordance with content data output characteristics including location information of the first and second computers, Matsuda fails to remedy the deficiency of Smits. Accordingly, the combination of Smits and Matsuda fails to render dependent claims 27 and 28 obvious.

For claims 29, 35, and 37, the combination of Smits and Matsuda fails to render these claims obvious for substantially the same reasons as discussed above for dependent claims 27 and 28 as well as the discussion provided in the previous section for independent claim 37.

Claims 10 and 31 are rejected under 35 U.S.C. § 103(a) as being obvious over Smits in view of Matsuda and further in view of Suzuki et al. (European Patent EP0696018A2).

Claim 10 is amended to clarify that content data output characteristics are associated with the content data to be output by the second computer. In addition, the content data output characteristics include at one of character gender, character condition, character environment, and language. As noted by the Examiner, Smits fails to disclose this limitation. *See page 6, Item 7 of the Final Office Action.* In addition, as discussed above, Matsuda fails to disclose the limitation of a second computer, which specifies the content data output characteristics for outputting the content data on the second computer. Hence, even if Suzuki discloses the limitation of determining a relative location of the user characters in an environment defined by the program and altering the output characteristics depending upon the location of the character associated with each user, the combination of Smits, Matsuda, and Suzuki still fails to disclose all the limitations of amended claim 10 to render the claim obvious.

Dependent claim 31, drawing its dependency from amended independent claim 10 is not rendered obvious by the combination of Smits, Matsuda, and Suzuki for substantially the same reason as discussed for amended independent claim 10.

In view of the foregoing, after entry of the present Amendment, the application is now in a condition for allowance. A Notice of Allowance is therefore respectfully requested.

If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6911. If any other fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805. (Order No. SONYP009). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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